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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,022	07/10/2001	Yuri Shtivelman	P3253C1	2846
24739	7590	10/26/2006	EXAMINER	
CENTRAL COAST PATENT AGENCY, INC			NGUYEN, STEVEN H D	
3 HANGAR WAY SUITE D			ART UNIT	
WATSONVILLE, CA 95076			PAPER NUMBER	
			2616	

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

ST

<b>Office Action Summary</b>	<b>Application No.</b> 09/903,022	<b>Applicant(s)</b> SHTIVELMAN ET AL.	
	<b>Examiner</b> Steven HD Nguyen	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18, 20, 22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18, 20, 22 and 24-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Priority*

1. This application repeats a substantial portion of prior Applications such 08/948,530 10/09/1997 ABN which is a DIV of 08/928,410 09/12/1997 PAT 6,064,667 which is a CIP of 08/866,357 05/30/1997 PAT 5,940,496 which is a CIP of 08/802,660 02/19/1997 PAT 5,946,387; 09/903,022 is a CON of 09/096,729 06/11/1998 PAT 6,263,066 and is a CON of 09/574,315 05/19/2000 PAT 6,259,774 and is a CON of 09/592,182 06/12/2000 PAT 6,259,692 and is a CON of 09/659,933 09/12/2000 PAT 6,337,904 and is a CON of 09/561,139 04/28/2000 PAT 6,286,033 and adds and claims additional disclosure not presented in the prior application. Since this application names an inventor or inventors named in the prior application, it may constitute a continuation-in-part of the prior application. Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78. Therefore, the filing date of this application is 7/10/2001.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18, 20, 22 and 24-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda (USP 6876632) in view of Barker (WO 98/10573) and Reimann (USP 5892764).

Takeda discloses a call waiting system comprising a SCP is PSTN (Fig 21, Ref 2 is SCP of PSTN); an Internet-connected service provider (Fig 21, Ref 7 is internet service provider, Col.

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17, line 65 to col. 18, lines 23); and cooperating software executing at ISP, SCP and on a user's Internet appliance for providing a call-waiting service (Figs 21-23, Ref 6b, 2 and 7 have a software for performing the function of call waiting service, See col. 18, line 24 to col. 21, lines 37 and col. 2, lines 1-12); wherein, in response to an indication at the ISP of a call for the user, said ISP generates an alert to the user's Internet appliance of the calls wherein the user can accepts, forwarding to another number, forwarding to mail box (See col. 18; line 24 to col. 21, lines 37 and col. 2, lines 1-12). However, Takeda fails to disclose when a user operating the internet appliance connect to the ISP for internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with ISP and the cooperating software on the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons. In the same field of endeavor, Baker discloses a method and system for notifying an incoming call from ISP to the internet user by using icon and when a user operating the internet appliance connect to the ISP for internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with ISP (Page 34, lines 4 to page 35, lines 20 and Page 45, lines 16-27, after the user connected to ISP, the ISP instructs the telephone company central office to forward to call to the telephone number of ISP wherein the ISP will notify the incoming call to the internet user by present an icon wherein ISP and user's device has a software for notifying and accepting a call and PSTN has a software for forwarding the call to ISP). However, Takeda and Baker fail to disclose the user transfers calls by manipulating the individual icons. In the same field of endeavor, Reimann discloses the user transfers calls or the user initiates outgoing

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call by manipulating the individual icons and the icon is manipulated to indicate the status of incoming call to the user (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something, initiating a call forward to a specific number and activate a command are well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and providing the icons for transferring a call as disclosed by Reimann into the system and method of Barker which discloses a method and system for initiating call forwarding function at the ISP to the PSTN in order to allow the ISP to notify the user into the teaching of Takeda which discloses the use of SCP to forward the call to internet user . The motivation would have been to a friendly GUI to a user and reduce human error.

4. Claims 18, 20, 22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby (USP 6320857) in view of Smyk (WO 98/56133) and Reimann (USP 5892764).

Regarding claim 18, Tonnby discloses a call waiting system comprising an Internet-connected service provider "ISP" (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the ISP (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Internet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to an indication at the service system of a call for the user, said service system generates an alert to the user's Internet appliance of the calls (Col. 5, lines 15-65). However, Tonnby fails to disclose the cooperating software on SCP or the user's Internet appliance presents each call as an icon

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wherein the user transfers calls by manipulating the individual icons and a user operating the internet appliance connect to the ISP for internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with ISP. In the same field of endeavor, Smyk discloses a software is executed on client terminal, SCP and ISP (Fig 1, client terminal , Ref 116, 118 and 180; ISP Ref 110 and 124 and SCP Ref 122) ISP server performing a call forward function by instructing SCP to route the incoming call to the client terminal to ITG routing number (Page 6, lines 2-21, Page 7, lines 6-14, Page 8, lines 17-19). However, Tonnby and Smyk fail to disclose the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons. In the same field of endeavor, Reimann discloses the cooperating software on the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something, initiating a call forward to a specific number and activate a command are well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and providing the icons for transferring a call as disclosed by Reimann into the system of Smyk which allows the ISP to initiating a call forwarding function to instruct the SCP to forward a incoming call to the client terminal to a specific number of the telephone gateway into the teaching of Tonnby. The motivation would have been to a friendly GUI to a user and reduce human error.

Regarding claim 20, Tonnby discloses a call-waiting system, comprising an Internet-connected service system "ISP" (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Internet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to indications at the service system of calls for the user, said service system generates alerts to the user's Internet appliance of the calls (Col. 2, lines 56-67 and Col. 5, lines 15-65). However, Tonnby fails to disclose the cooperating software on SCP or the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons and a user operating the internet appliance connect to the ISP for internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with ISP. In the same field of endeavor, Smyk discloses a software is executed on client terminal, SCP and ISP (Fig 1, client terminal, Ref 116, 118 and 180; ISP Ref 110 and 124 and SCP Ref 122) ISP server performing a call forward function by instructing SCP to route the incoming call to the client terminal to ITG routing number (Page 6, lines 2-21, Page 7, lines 6-14, Page 8, lines 17-19). However, Tonnby and Smyk fail to disclose the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons. In the same field of endeavor, Reimann discloses the cooperating software on the user's internet appliance presents each call as an icon wherein the user interfaces with calls by manipulating the individual icons (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something, initiating a call forward to a specific number and activate a command are well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and providing the icons to allow a user to interface with the calls as disclosed by Reimann into the system of Smyk which allows the ISP to initiating a call forwarding function to instruct the SCP to forward a incoming call to the client terminal to a specific number of the telephone gateway into the teaching of Tonnby. The motivation would have been to a friendly GUI to a user and reduce human error.

Regarding claim 22, Tonnby discloses a call-waiting system comprising an Internet-connected service system "ISP" (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Internet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to indications at the service system of a call for the user, said service system generates an alert to the user's Internet appliance of the call (Col. 5, lines 15-65). However, Tonnby fails to disclose the cooperating software on SCP or the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons and a user operating the internet appliance connect to the ISP for internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with ISP. In the same field of endeavor, Smyk discloses a



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software is executed on client terminal, SCP and ISP (Fig 1, client terminal , Ref 116, 118 and 180; ISP Ref 110 and 124 and SCP Ref 122) ISP server performing a call forward function by instructing SCP to route the incoming call to the client terminal to ITG routing number (Page 6, lines 2-21, Page 7, lines 6-14, Page 8, lines 17-19). However, Tonnby and Smyk fail to disclose the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons. In the same field of endeavor, Reimann discloses the cooperating software on the user's internet appliance presents each call as an icon wherein the user initiates outgoing calls by manipulating the icons (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something, activate a command and initiating a call forward to a specific number are well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and initiating the outgoing calls by manipulating the icons as disclosed by Reimann into the system of Smyk which allows the ISP to initiating a call forwarding function to instruct the SCP to forward a incoming call to the client terminal to a specific number of the telephone gateway into the teaching of Tonnby. The motivation would have been to a friendly GUI to a user and reduce human error.

Regarding claims 24-25, Tonnby discloses a call-waiting system comprising an Internet-connected service system "ISP" (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Internet

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appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to indications at the service system of a call for the user, said service system generates an alert to the user's Internet appliance of the call (Col. 5, lines 15-65). However, Tonnby fails to disclose the cooperating software on SCP or the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons and a user operating the internet appliance connect to the ISP for internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with ISP. In the same field of endeavor, Smyk discloses a software is executed on client terminal, SCP and ISP (Fig 1, client terminal , Ref 116, 118 and 180; ISP Ref 110 and 124 and SCP Ref 122) ISP server performing a call forward function by instructing SCP to route the incoming call to the client terminal to ITG routing number (Page 6, lines 2-21, Page 7, lines 6-14, Page 8, lines 17-19). However, Tonnby and Smyk fail to disclose the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons. In the same field of endeavor, Reimann discloses the cooperating software on the user's internet appliance presents each call as an icon wherein the user causes a pre-recorded message to be played to the caller by manipulating the icons and the icon is manipulated to indicate the status of incoming call to the user (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something, activate a command and initiating a call forward to a specific number are well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in

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the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and played a recorded message to the caller by manipulating the icons and the icon is manipulated to indicate the status of incoming call to the user as disclosed by Reimann into the system of Smyk which allows the ISP to initiating a call forwarding function to instruct the SCP to forward a incoming call to the client terminal to a specific number of the telephone gateway into the teaching of Tonnby. The motivation would have been to a friendly GUI to a user and reduce human error.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

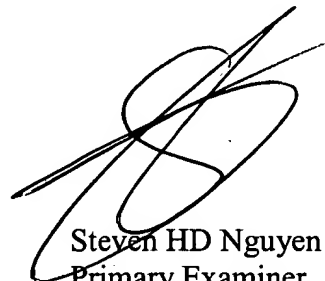
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven HD Nguyen  
Primary Examiner  
Art Unit 2616  
October 21, 2006

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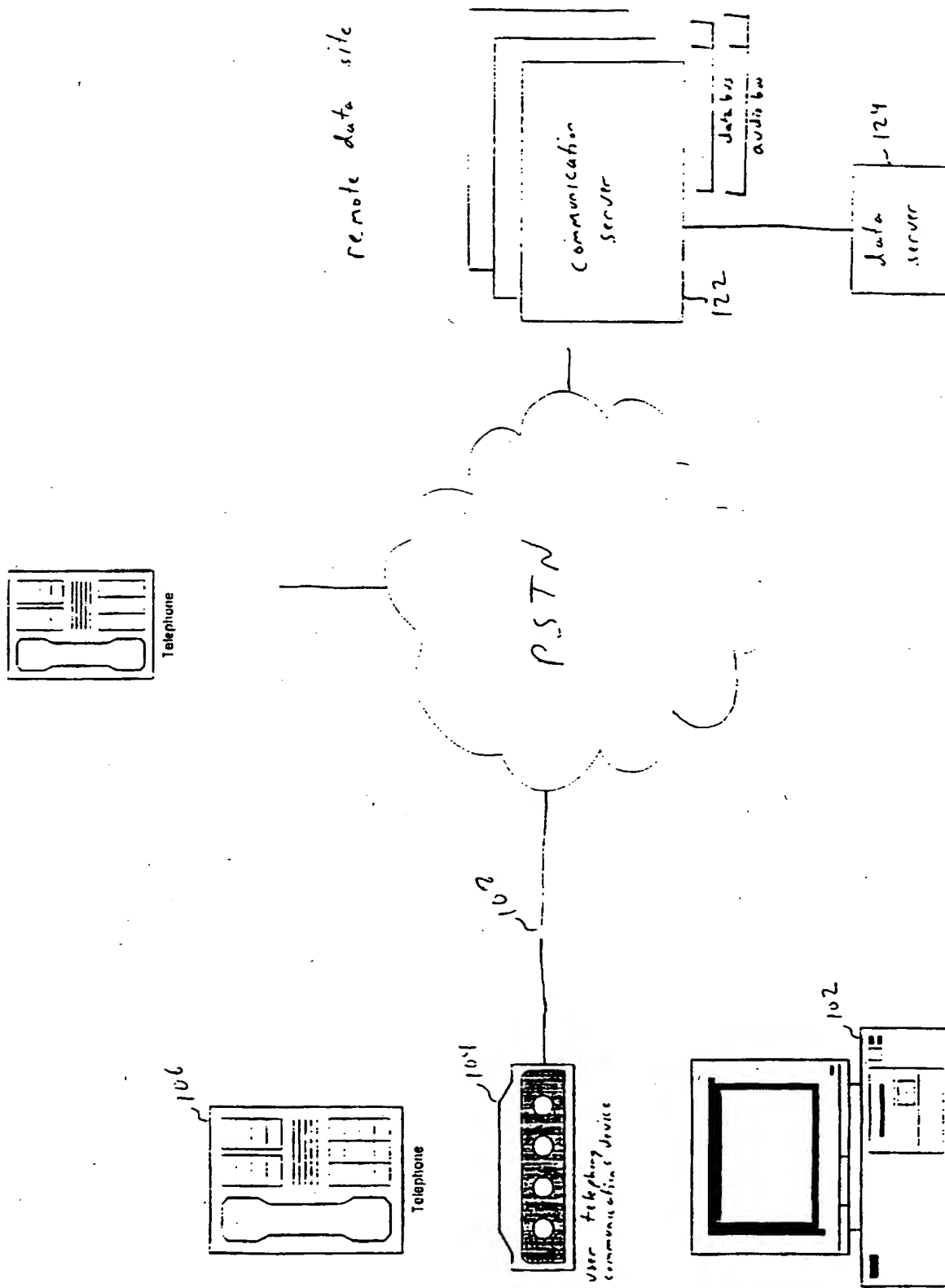
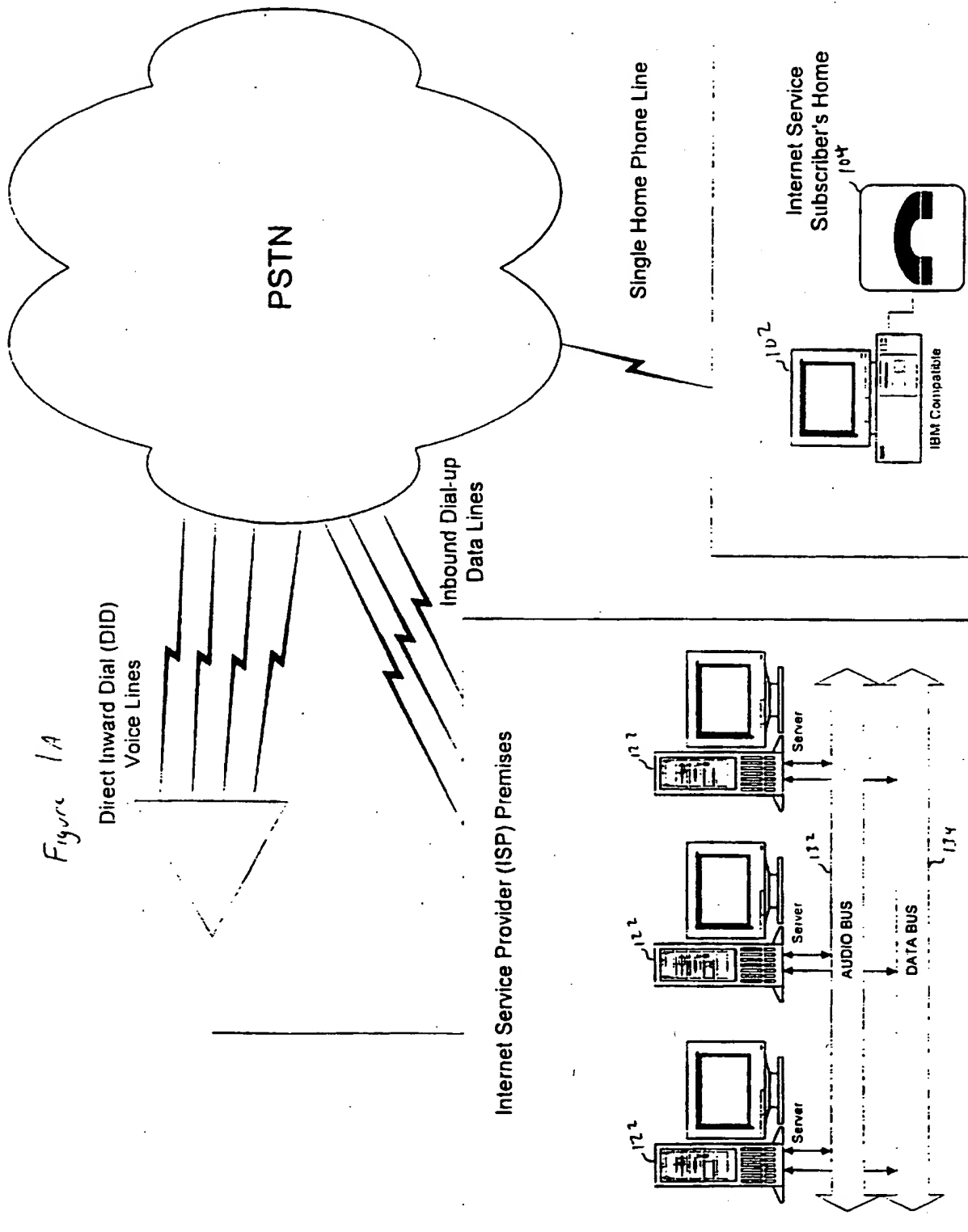
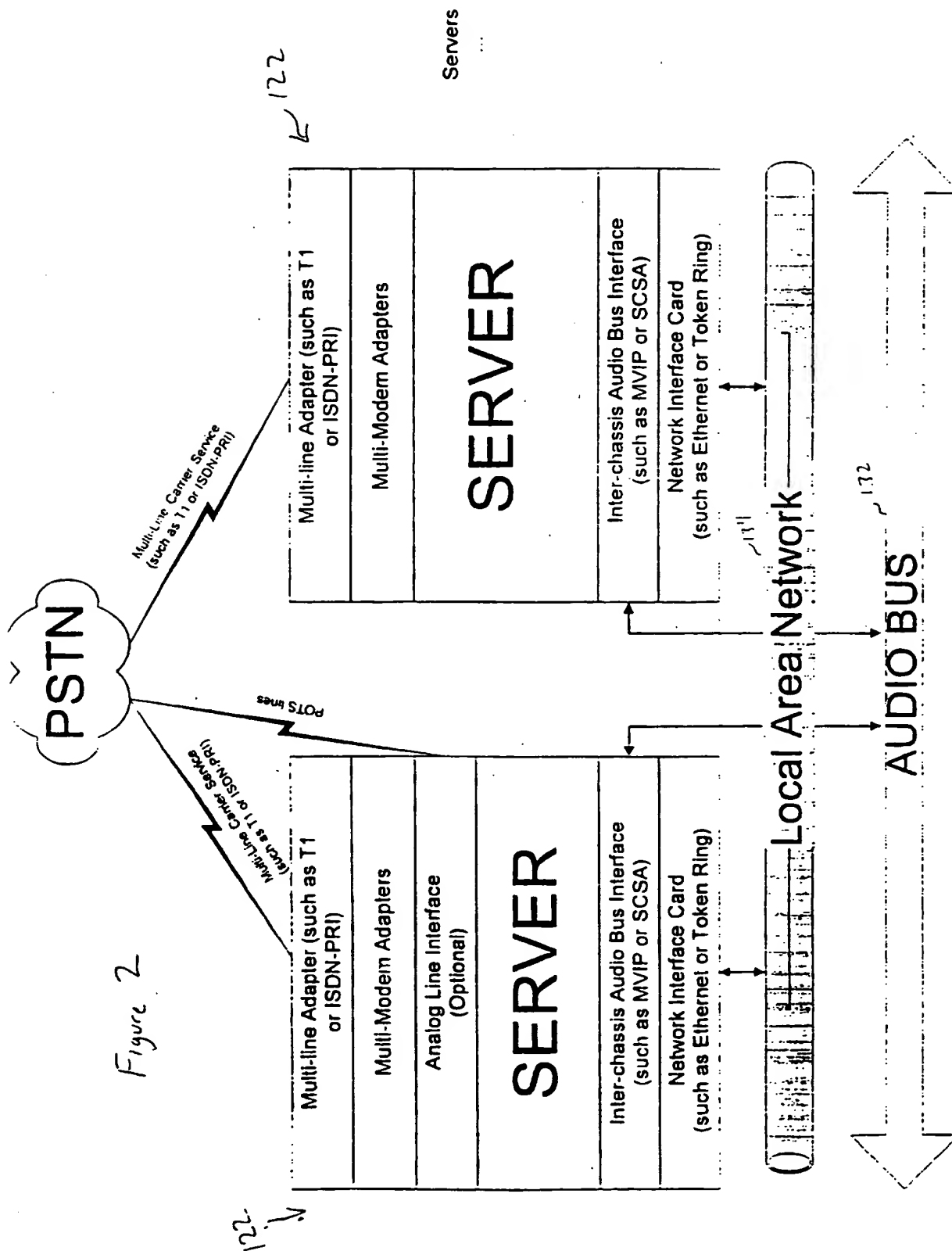


Figure 1



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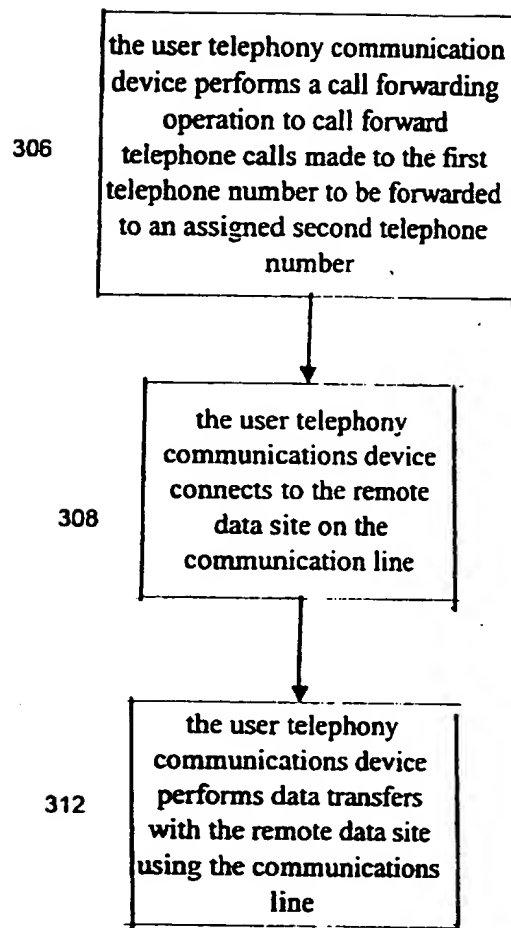
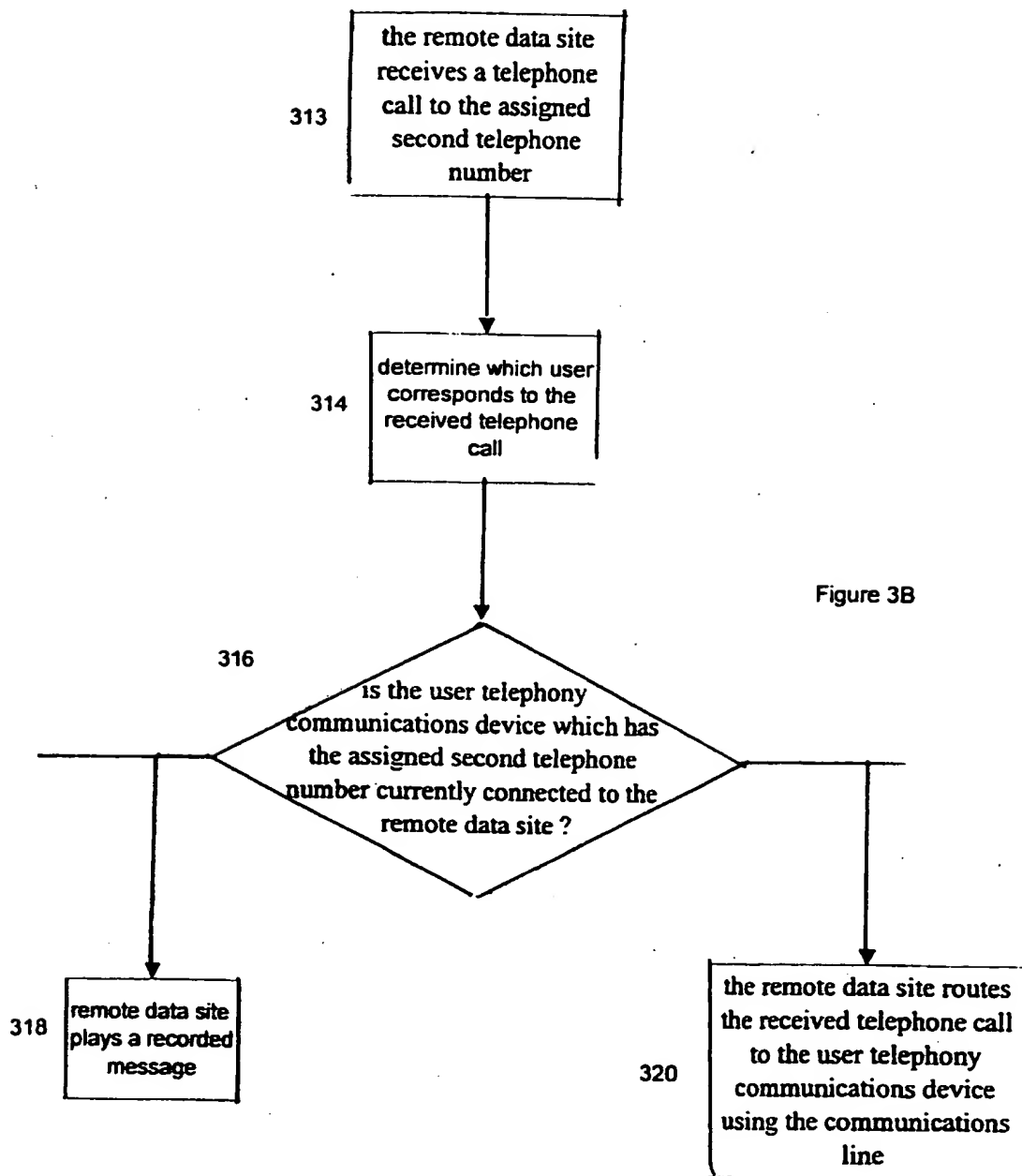


Figure 3A



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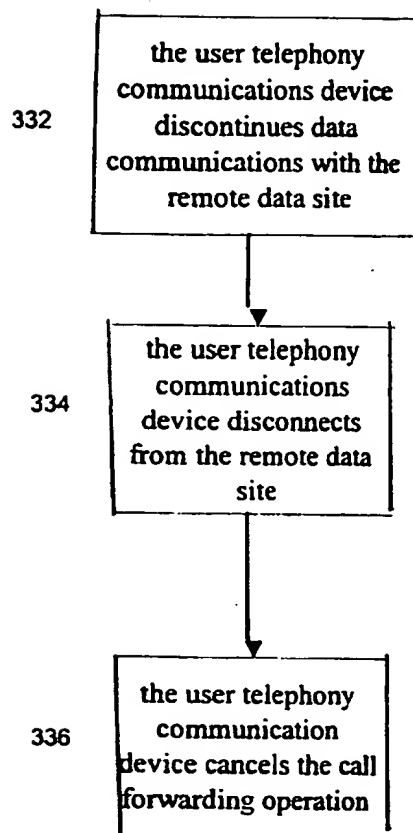


Figure 3C

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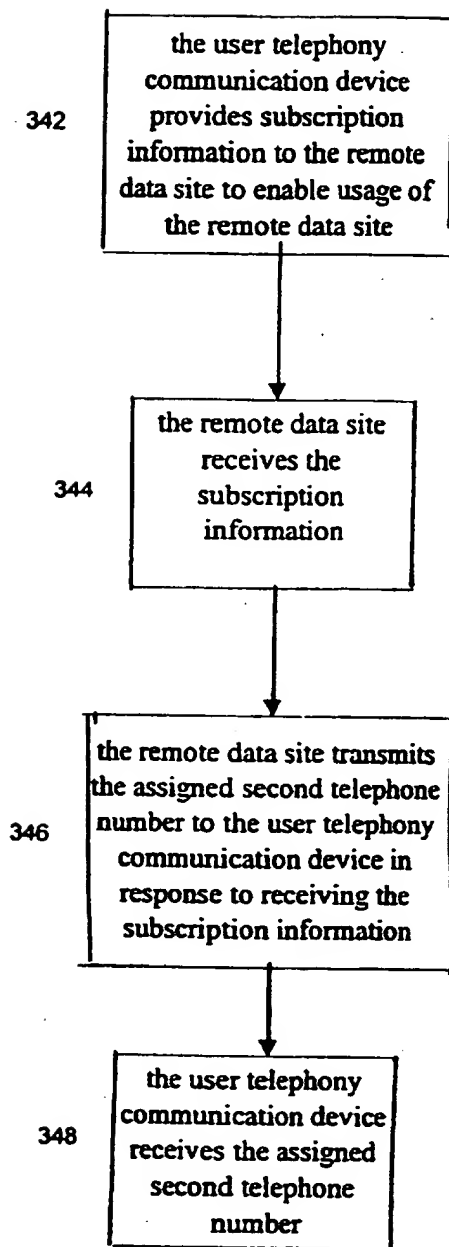


Figure 4

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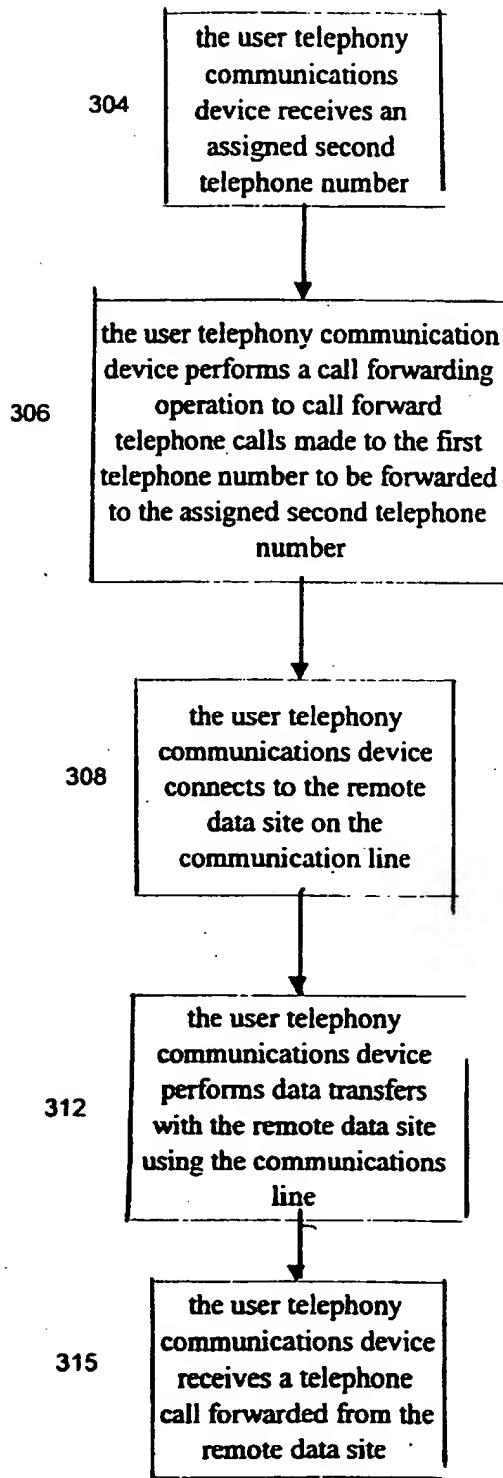


Figure 5

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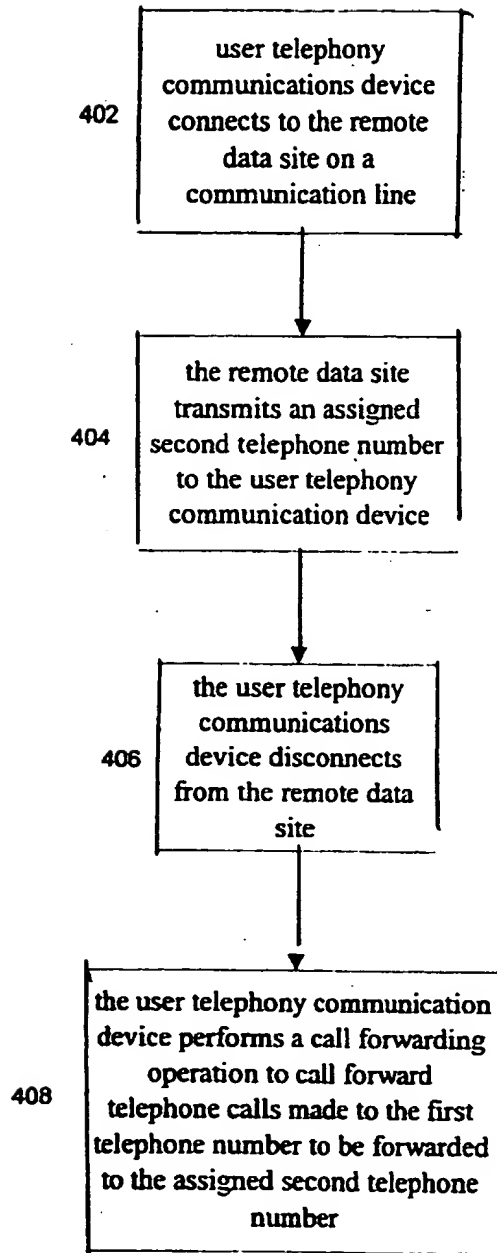


Figure 6A

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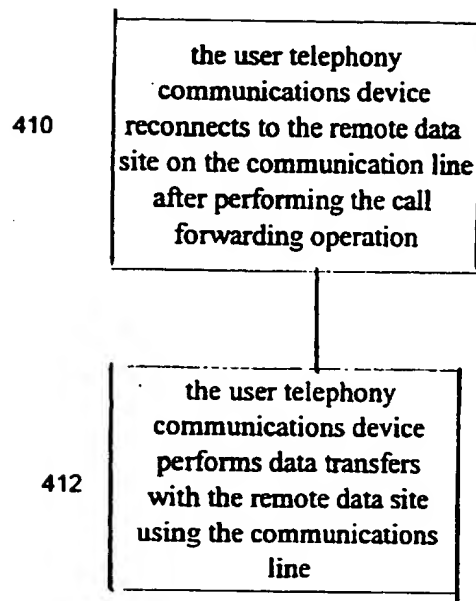
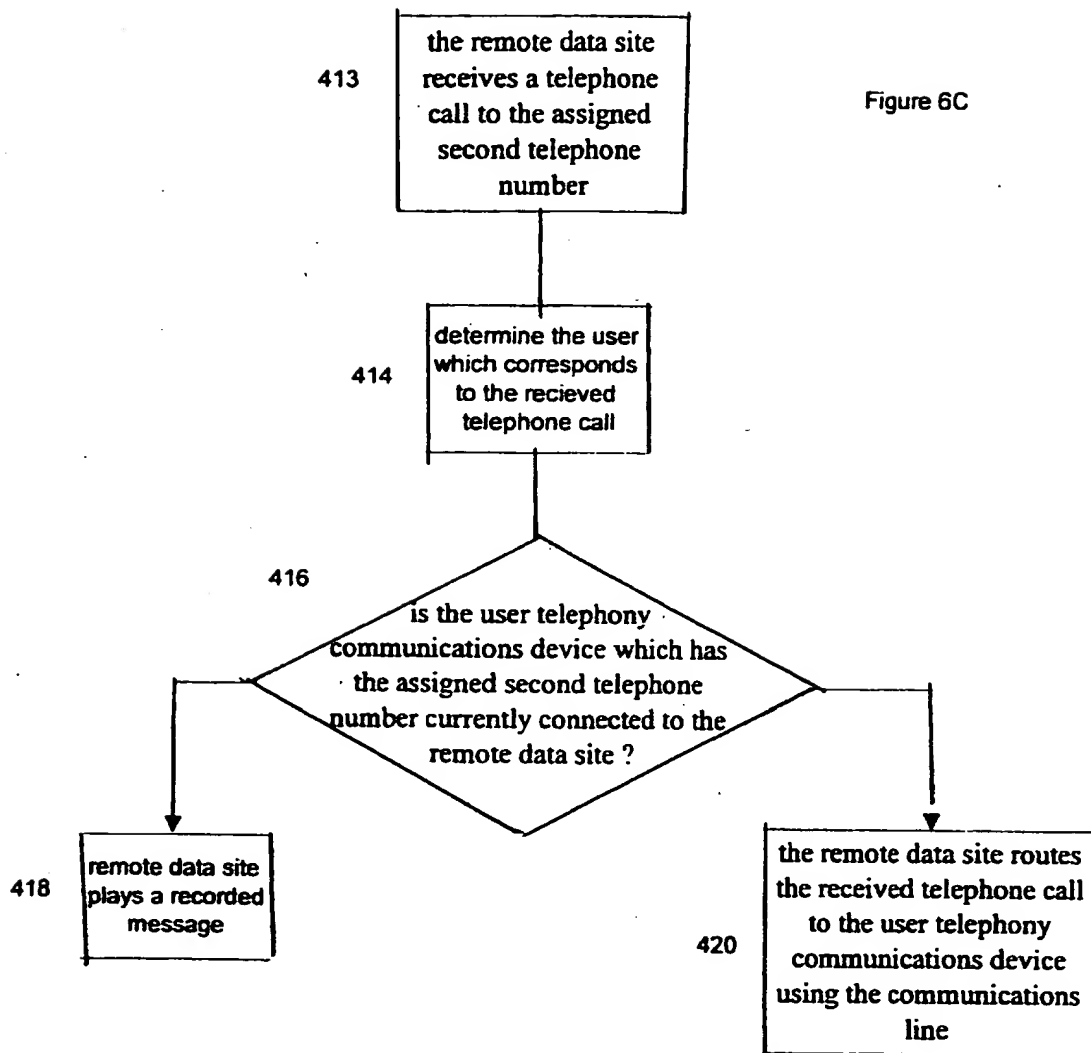


Figure 6B

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Figure 6C



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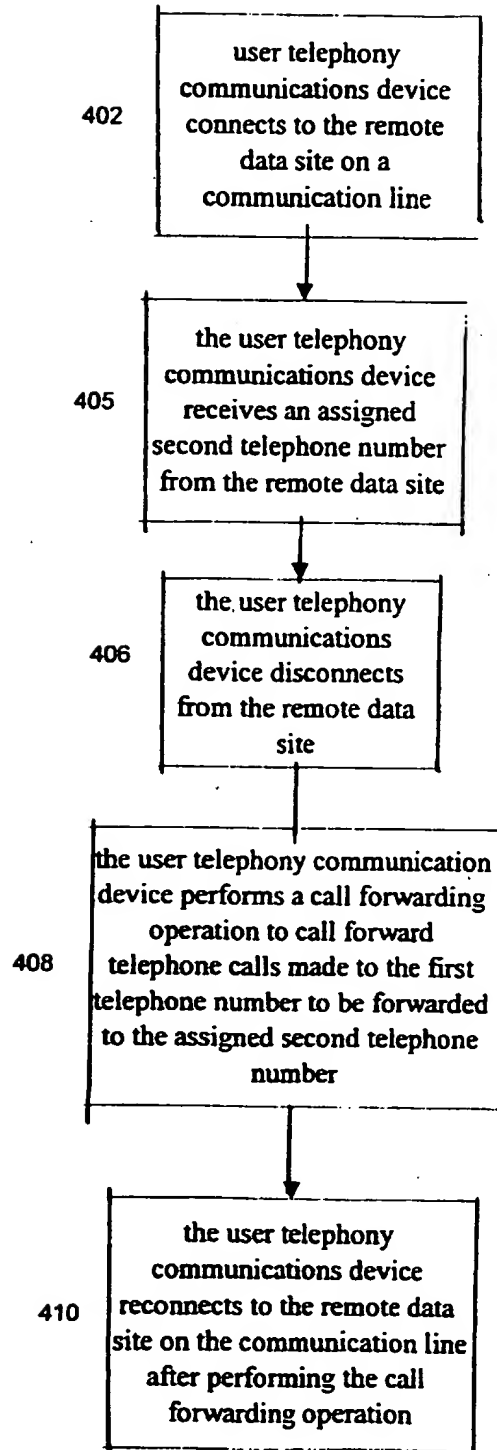


Figure 7A



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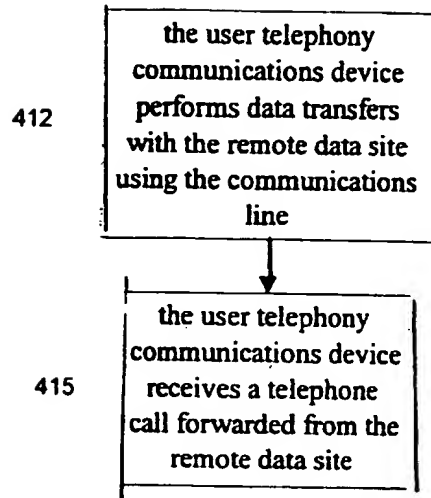


Figure 7B

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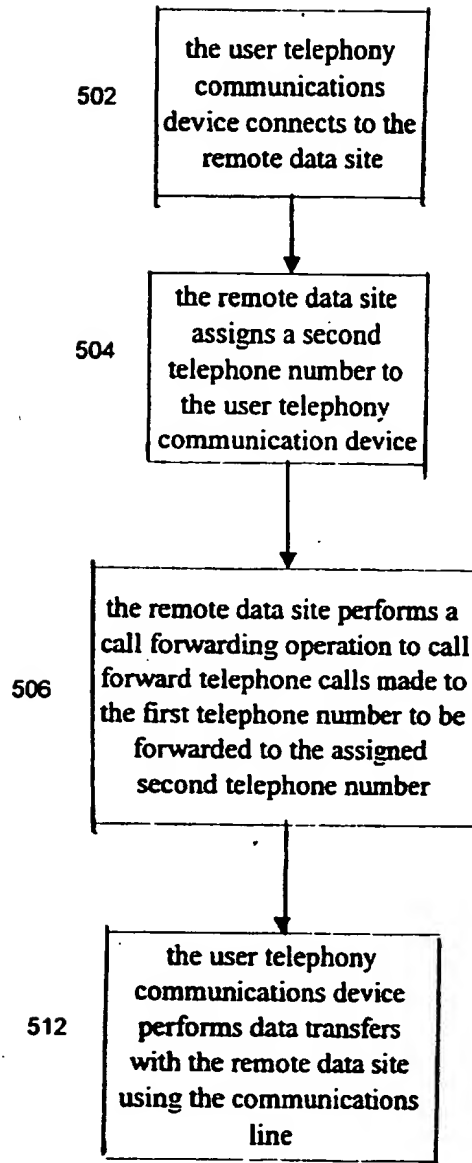
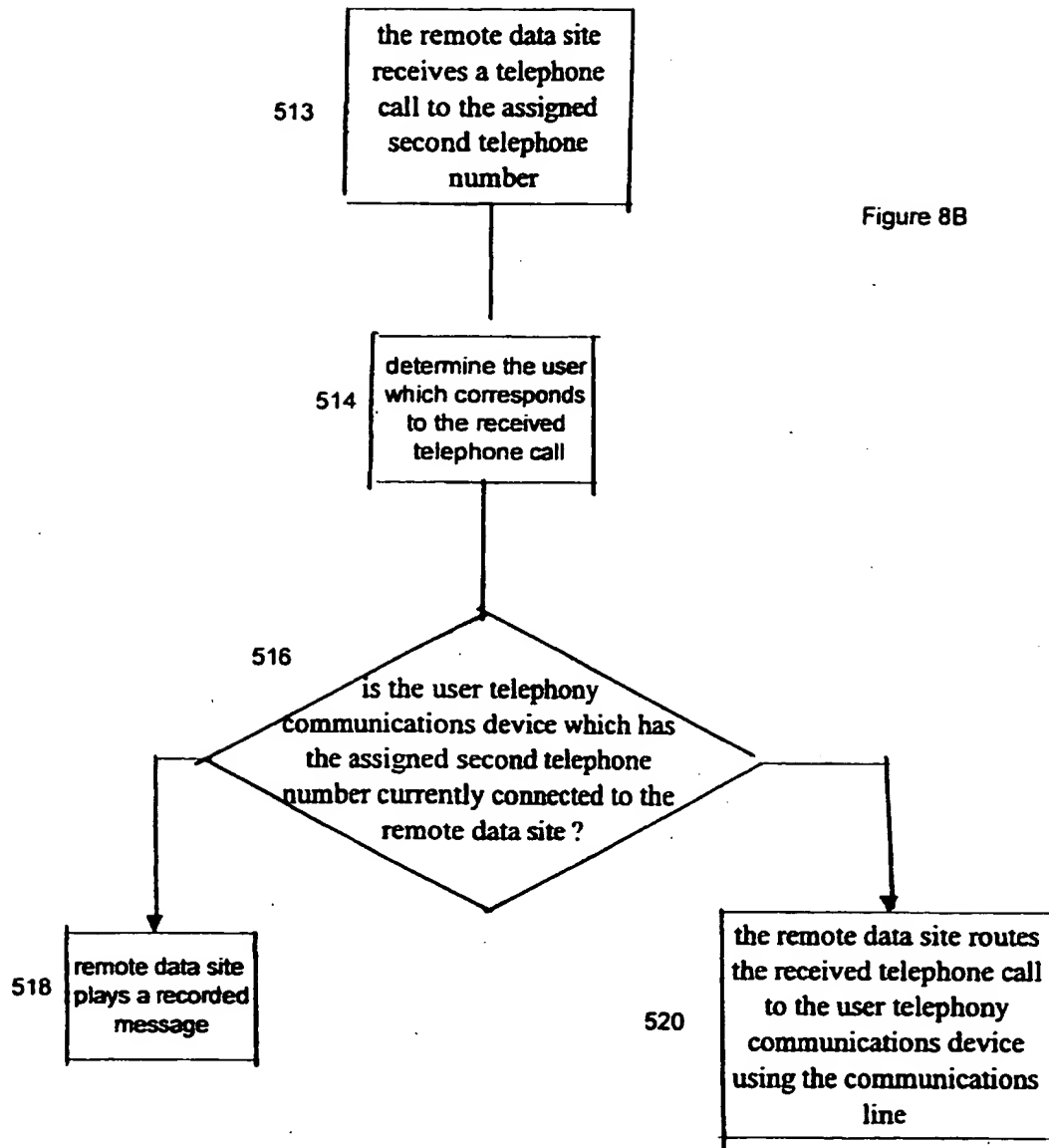


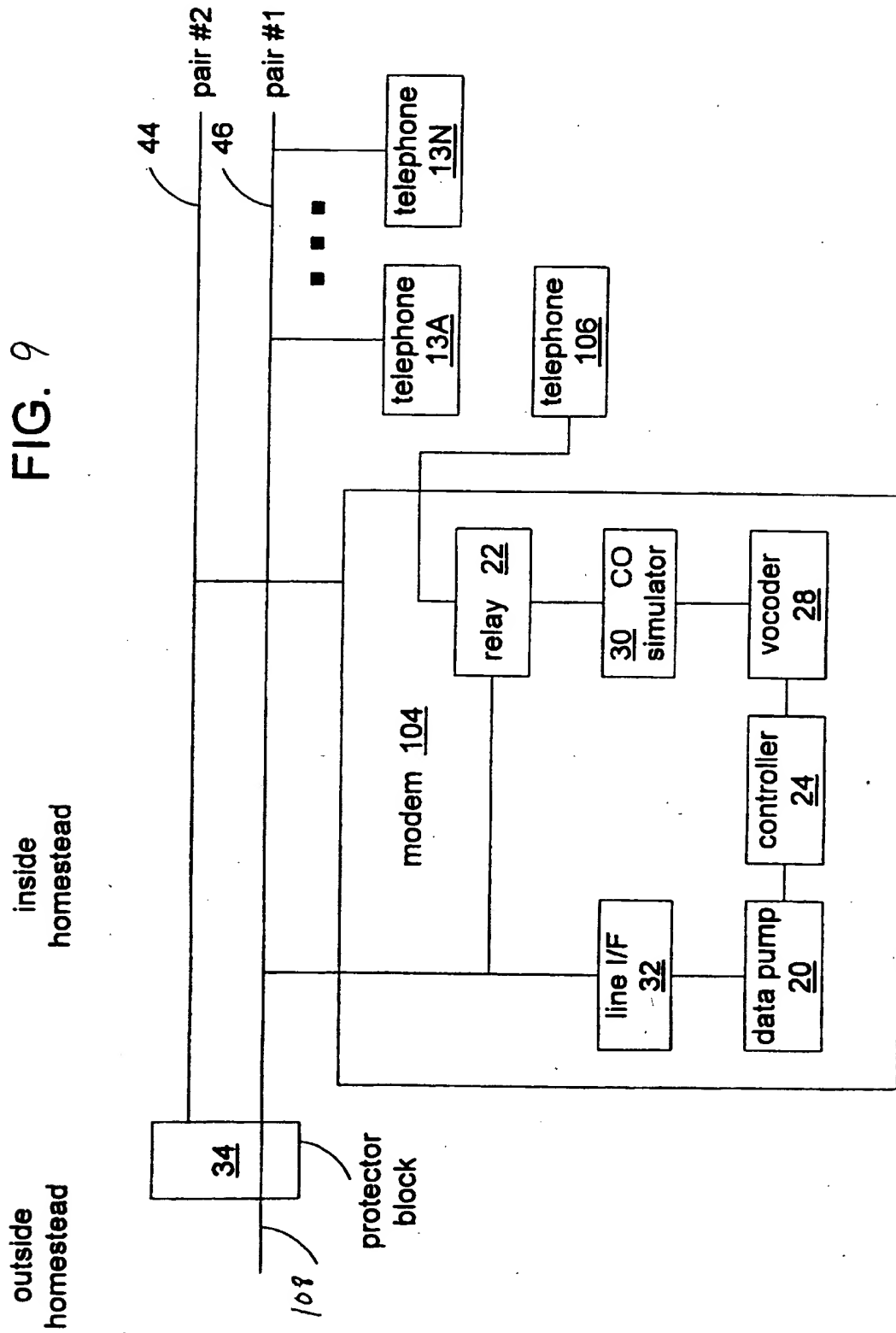
Figure 8A

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FIG. 9



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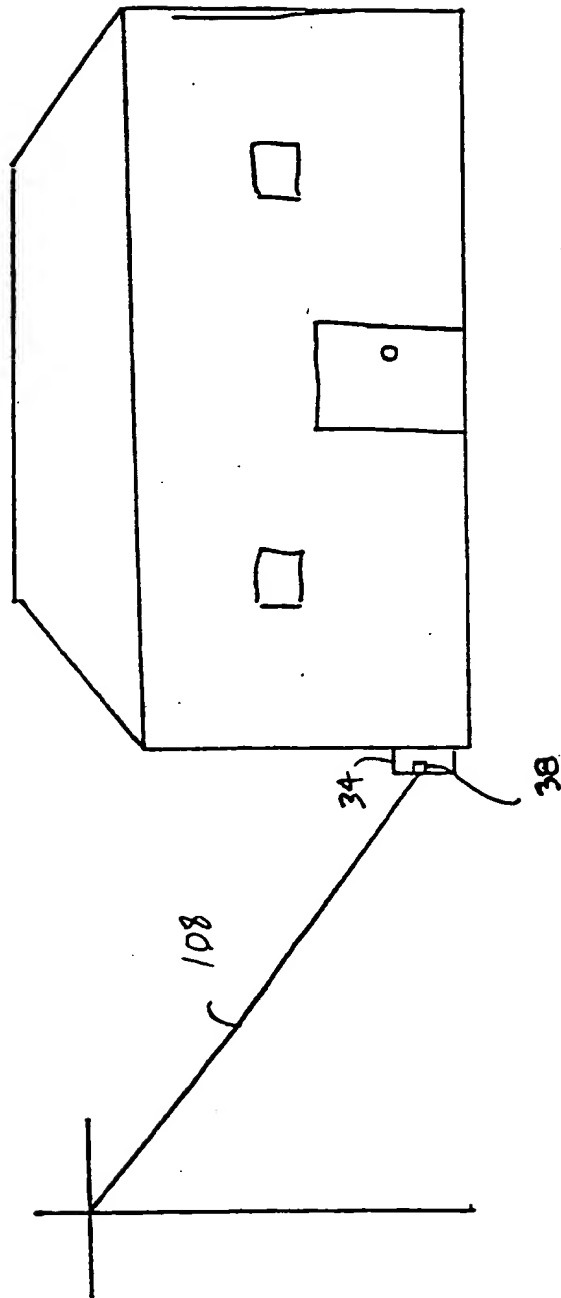
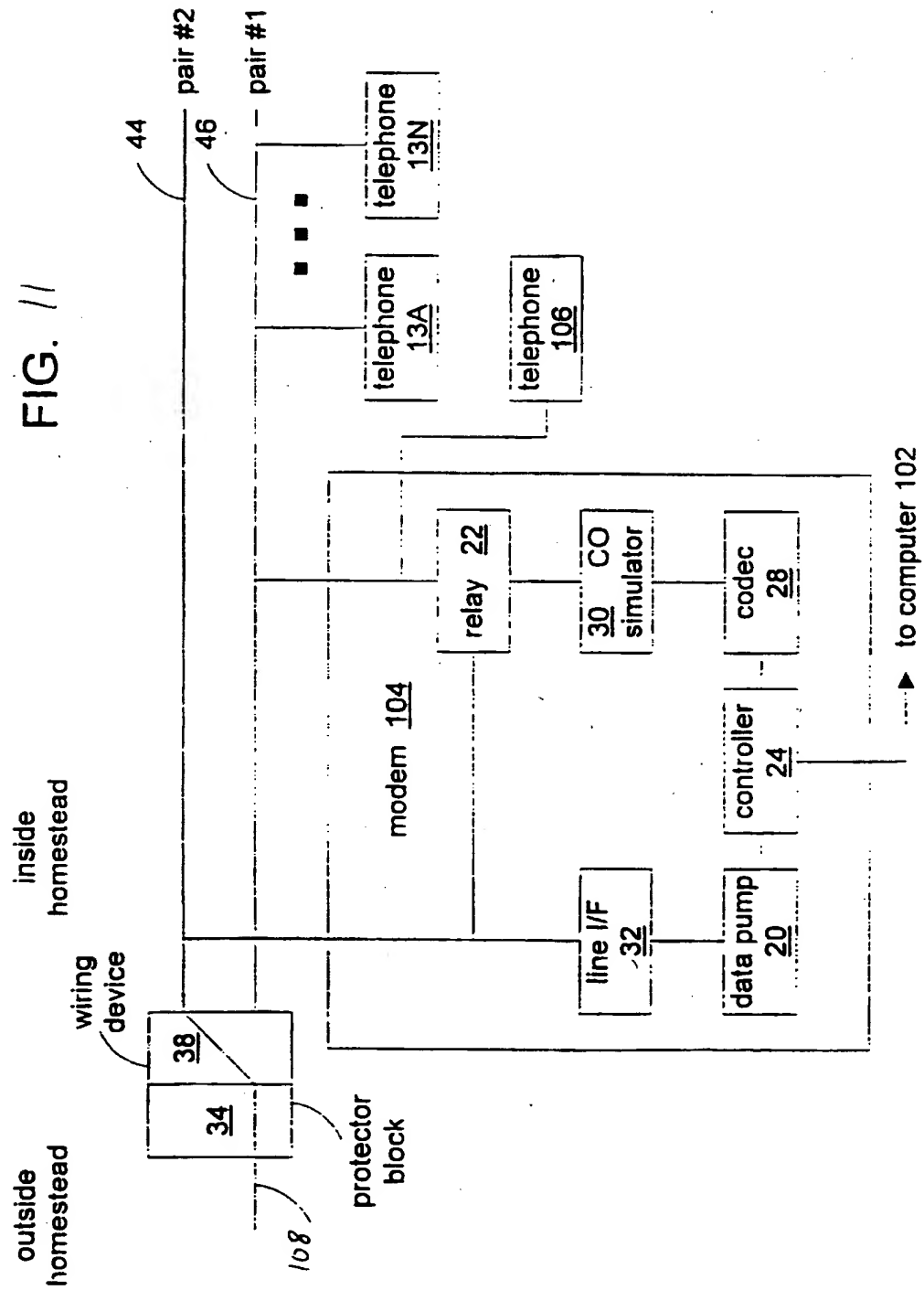


Figure 10

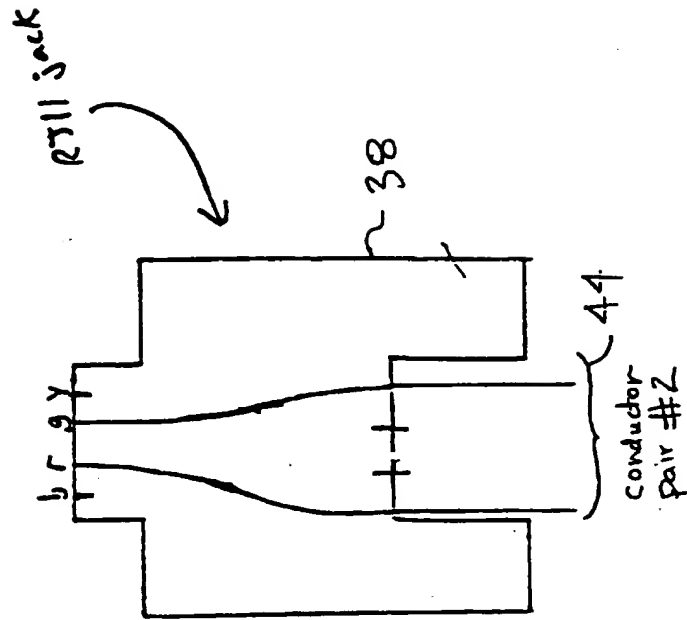
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FIG. 11



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Figure 12



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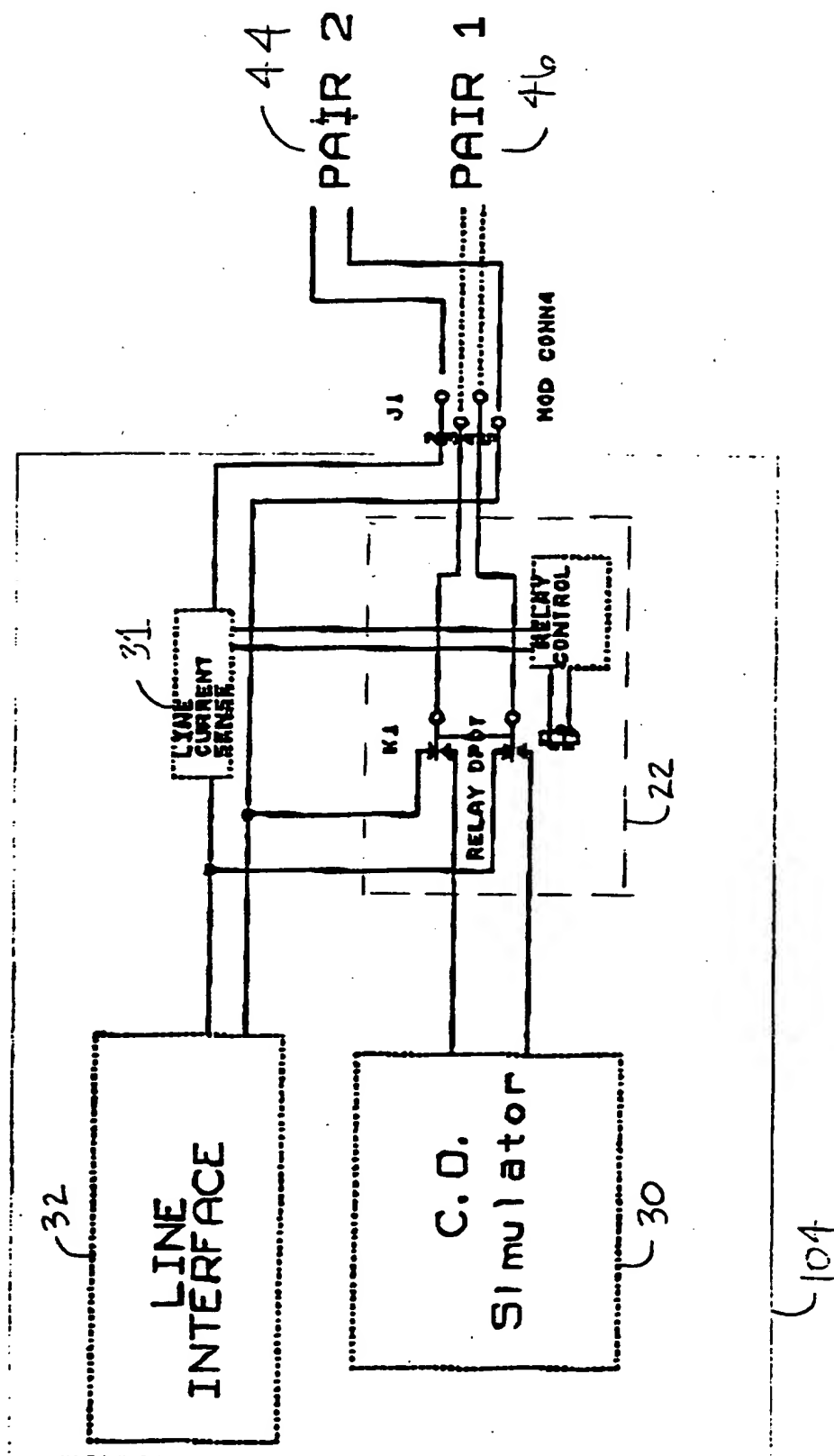


Figure 13.



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FIG. 14

